

Child and Family Services Update

December 10, 2002

Outcome - Federal Court Hearing November 21, 2002

By Richard Anderson

I will start this update on the "David C." Federal Court activity, of November 21, 2002, by sharing with you what I valued most. It was a solid acknowledgement of the real situation that all of us in the division and our partners in the community know and face daily about our continuing efforts to improve child welfare in Utah. The most gratifying statements were those made by Judge Tena Campbell when she said, "I'm not looking for bad faith here...I have a feeling they [the division] work hard; I think they are not getting enough help...The plan has to be trimmed down so both sides can live with it." With those statements Judge Campbell requested that National Center for Youth Law (NCYL), the court monitor, and the division come up with a remedial plan that would help everyone involved.

This hearing was the result of what most of you have already heard about. It was in response to what was triggered by the reduction of funding to the court monitor, Paul Vincent, which happened in the Special Legislative Session last July. Not long after the budget reduction, the monitor sent a letter to Judge Campbell notifying her that it would not be possible to provide the monitoring required due to the decreases in funding. Subsequent to these two events, the NCYL filed a motion to have the Judge enforce the order, asking that the monitor be given all the authority for carrying out the plan, that the state be fined for not achieving items of the plan, and that all resources necessary be provided to the monitor to implement the plan. NCYL also stated that, "The Defendants have done nothing but resist, delay, appeal, disobey, and flaunt the authority of this Court."

You can imagine how those of us that received this filing felt about these statements. We know how much has been done and how difficult it has been to progress to where we are at this point. Most of you probably know how I react to this kind of a situation. I had to think that NCYL knew very little about what has been happening in the division. (This is my strengths-based approach.) Since that initial impression, I have not changed my mind. Some who work with us from a distance can only know what they are told, and can't entirely see the big picture.

As a result, the main focus of the work we are doing on the Plan, in response to the Judge's request, falls into two main categories: increasing resources and trimming the current Plan. The increases in resources require us to increase caseworkers, increase trainers, and ensure that flexible funding is available to front-line staff. The Governor and his staff are addressing the staffing increases. The Legislature will have to make final decisions on funding. (The Judge has said that she will order the resources if the State is not forthcoming.) The trimming of the Plan will be a major discussion. I have already prepared a summary plan that came from the recommendations submitted from the five regions. Our goal is to have the Plan match whatever resources we have. It does us no good to have an idealistic plan without idealistic resources and staffing.

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It is our goal to make the Plan reasonable so that the success we are having will be recognizable in the midst of the myriad of expectations, one of which is the forthcoming Federal Child and Family Services Review and subsequent Performance Improvement Plan. Both of these major plans must come together in one focused plan. We will be back to court on January 27 for a status conference with the Judge.

I view what happened in Court as a step in the right direction. I am cautiously optimistic that while we have an opportunity to make things safer and better for those we serve and for our own people, we must use this opportunity wisely and negotiate expectations and solutions that will be achievable, rewarding, and help everyone involved in this and our future endeavors to succeed.

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